

days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, May 6, 1957: Yeas 139, Nays 3; passed the Senate, May 17, 1957: Yeas 23, Nays 5.

Approved June 6, 1957.

Effective June 6, 1957.

STEAM BOILERS—INSPECTION

CHAPTER 452

H. B. No. 493

An Act amending Sections 5 and 12 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified in Vernon's as Sections 5 and 12 of Article 5221c) relating to inspection of steam boilers; changing the amount of inspection fees and fees for the issuance of Certificates of Operation; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Sections 5 and 12 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified in Vernon's as Sections 5 and 12 of Article 5221c)⁴⁵ are hereby amended so as to read hereafter as follows:

"Sec. 5. Every insurance company insuring boilers in this State shall, within thirty (30) days after inspecting any steam boiler, file a duplicate report of such inspection with the Commissioner showing the date of such inspection together with the name of the person making such inspection, and such report shall show fully the condition and location of such boiler at the time such inspection was made. Such report shall also state when the policy of insurance was issued by the insurance company on said boiler and the date of expiration of such policy of insurance.

"The owner or user of every boiler inspected by an inspector for an insurance company authorized to do business in this State on which such insurance company has issued a policy of insurance after inspection thereof, shall be exempt from other inspections and inspection fees under the provisions of this Act; provided nothing in this Section shall prevent the Commissioner from authorizing the inspection of any insured boiler at any reasonable time when, in the opinion of the Commissioner, such insured boiler may be in an unsafe condition, provided the Commissioner shall contact the insurance company carrying insurance on said boiler and that the inspector for the insurance company carrying such insurance and the inspector or deputy inspector shall jointly and together inspect the boiler, within twenty (20) days, for which inspection no additional charge shall be made as set forth in Section 12 of this Act. The Commissioner is authorized and has authority to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act, and the owner or user of an insured boiler shall pay the sum of Three Dollars (\$3) for each Certificate of Operation issued, and the owner or user of a State inspected boiler shall pay a like sum of Three Dollars (\$3) for each Cer-

45. Vernon's Ann.Civ.St. art. 5221c, §§ 5, 12.

tificate of Operation issued, which said fee shall be and is absorbed by the internal and external inspection fee authorized in Section 12 of this Act. Every insurance company shall notify the Commissioner in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, within twenty (20) days after the expiration or cancellation of said policy, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation or expiration has or will become effective.

"Sec. 12. The Commissioner shall fix and collect fees for the inspection of steam boilers covered by this Act, which exceeds thirty (30) inches in diameter, external and internal inspection not to exceed Fifteen Dollars (\$15) in each twelve (12) months period; and for boilers exceeding twenty-four (24) inches in diameter and not exceeding thirty (30) inches in diameter, Ten Dollars (\$10) for each complete inspection in each twelve (12) months period; and boilers not exceeding twenty-four (24) inches in diameter, Five Dollars (\$5) for each complete inspection in each twelve (12) months period. Provided that, when a boiler is found unfit for further use no Certificate of Inspection shall be issued and the use of such condemned boiler may be prohibited. Provided further that the Commissioner or any of his employees shall not have authority to prescribe the make, brand or kind of boilers to buy or purchase. And provided that when any inspector or employee of the Commissioner tears down a boiler in a cleaning and pressing establishment said inspector or employee shall assist the owner to repair and assemble said boiler as it was before it was dismantled, and if he fails to assist said owner said fee shall not be paid. Such fees must be paid by the owner or user before the issuance of a Certificate of Operation for the boiler inspected. No fees shall be charged the owner or user by the Commissioner when the inspection herein provided for has been made by an inspector holding a commission as inspector from said Commissioner if the holder of such commission as inspector is employed by any county, or city and county, or city, or insurance company except the charge fixed for Certificate of Operation in Section 5 hereof. All fees collected by the Commissioner under this Act shall be paid into the State Treasury to the credit of the 'State Boiler Inspection Fund' together with a detailed report of same, and said moneys so deposited in said special fund are hereby appropriated for the purpose of paying the expenses of the administration of this Act."

Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The increased cost of inspection of steam boilers creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 26, 1957: Yeas 121, Nays 0; passed the

Senate, May 14, 1957: Yeas 28, Nays 0.

Approved June 6, 1957.

Effective June 6, 1957.